

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CAPRI SUN GMBH,

Plaintiff,

vs.

AMERICAN BEVERAGE CORPORATION,

Defendant.

Case No. 1:19-cv-01422 (PAE)

**DECLARATION OF A. JOHN P. MANCINI, ESQ.
IN SUPPORT OF PLAINTIFF CAPRI SUN GMBH'S OPPOSITION TO
DEFENDANT AMERICAN BEVERAGE CORPORATION'S
MOTION FOR SUMMARY JUDGMENT PURSUANT TO FED. R. CIV. P. 56(A)**

I, A. John P. Mancini, Esq., pursuant to 28 U.S.C. § 1746 and upon penalty of perjury, declare as follows:

1. I am a resident of the State of Connecticut; over the age of 18; and competent to make this Declaration. I could and would testify as to the matters set forth herein, if called upon to do so.

2. I am a Partner in the New York office of the law firm of MAYER BROWN LLP.

3. I am counsel of record for Plaintiff Capri Sun GmbH ("Capri Sun") in the above-captioned action (the "Action").

4. I submit this Declaration in support of Capri Sun's Opposition to Defendant American Beverage Corporation's ("ABC") Motion for Summary Judgment Pursuant to FED. R. CIV. P. 56(a).

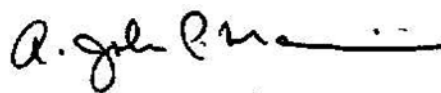
5. The information set forth herein is based on: (i) my representation of Capri Sun in this Action; (ii) my review of the documents attached hereto as exhibits; and (iii) my review of the pleadings and proceedings to date in this Action.

6. I attach hereto as **Exhibit 1** a true and correct copy of excerpts of the deposition of John Anderson in this Action, dated September 29, 2020.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed this 30th day of June, 2021.

Dated: June 30, 2021
New York, New York

Respectfully submitted,

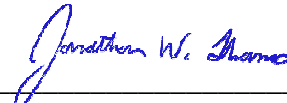


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Attorneys for Plaintiff Capri Sun GmbH

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on June 30, 2021, he caused a true and correct copy of the foregoing document, titled *Declaration of A. John P. Mancini, Esq. in Support of Plaintiff Capri Sun GmbH's Opposition to Defendant American Beverage Corporation's Motion for Summary Judgment Pursuant to FED. R. CIV. P. 56(a)*, to be filed using this Court's Electronic Case Filing system, which will transmit an electronic notice and copy of such filing to all counsel of record in this case



Jonathan W. Thomas